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REMARKS

Applicants wish to thank the Examiner for the attention accorded to the instant application. In light of the present remarks, it is respectfully requested that the rejections based on 35 U.S.C. § 103(a) be withdrawn with respect to claims 16-36.

The Examiner has variously rejected all of the claims under 35 U.S.C. § 103(a). However, Applicants respectfully submit that the claimed inventions of claims 16-20, 22, 24-26, 31 and 32 are not rendered obvious by Yokoo et al. JP 406138458A in view of Chung et al. US4456336.

Yokoo et al discloses a backlight for liquid crystal displays, but it is respectfully submitted that Yokoo et al. does not disclose a recycling system. Chung et al teaches a reflective display (rather than a backlight display), which uses ambient light.

As is well-established<sup>1</sup>,

It is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious.  
In re Fritch, 23 U.S.P.Q.2d 1780, 1784 (Fed. Cir. 1992).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the

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<sup>1</sup> and as cited by Chism § 5.03[2][c]

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prior art, and not based on applicants' disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Furthermore, the U.S. Court of Appeals for the Federal Circuit restated the legal test applicable to rejections under 35 U.S.C. 103(a) (*In re Rouffet*, 47 USPQ2d 1453 (Fed. Cir., July 15, 1998)). The Court stated:

[V]irtually all [inventions] are combinations of old elements. Therefore an Examiner may often find every element of a claimed invention in the prior art. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an Examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be "an illogical and inappropriate process by which to determine patentability." To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the Examiner to show a motivation to combine the references that create the case of obviousness. The Board [of Appeals] did not, however, explain what specific understanding or technological principle within the knowledge of one of ordinary skill in the art would have suggested the combination. Instead, the Board merely invoked the high level of skill in the field of the art. If such a rote indication could suffice to supply a motivation to combine, the more sophisticated scientific fields would rarely, if ever, experience a patentable technical advance. Instead, in complex scientific fields, the Board could routinely identify the prior art elements in an application, invoke the lofty level of skill, and rest its case for rejection. To counter this potential weakness in the obviousness construct the suggestion to combine requirements stands as a critical safeguard against hindsight analysis and rote application of the legal test for obviousness. *In re Rouffet*, 47 USPQ2d 1457-58 (Fed. Cir., July 15, 1998) (citations omitted).

Based on these principles, it is clearly improper to combine Yokoo et al. and Chung et al.

Further, even if the references were combined, the invention of the present claims 16-20, 22, 24-26, 31 and 32 would not result. Since Yokoo et al. teaches backlight systems, and Chung et al. discloses reflective systems, the combination would not yield the present claims.

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Regarding claims 21, 23, 27-30 and 33-36, the Examiner has rejected these claims based on Yokoo et al. in view of Chung et al., in further view of Sansom US 4417412, Dumont US6004315 or Faris US6188460. It is respectfully submitted that since the combination of Yokoo et al. and Chung et al. is improper, or will not attain the invention of claims 16-20, 22, 24-26, 31 and 32, the rejections related to the dependent claims 21, 23, 27-30 and 33-36 is also improper.

The response herein does not introduce any new matter. It is believed that the claims herein should be allowable to Applicants. Accordingly, allowance is respectfully requested.

Respectfully submitted,

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